

EXHIBIT AC

[Page 1]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

JESSICA KAHRAMAN, et al.,)
 Plaintiffs,)
)
 vs.) No.
) CV-22-00375-PHX-SRB
)
 THE STATE OF ARIZONA,)
 et al.,)
 Defendants.)

VIDEORECORDED DEPOSITION OF MADISON BELL

VOLUME I

Phoenix, Arizona
 August 6, 2024
 10:20 a.m.

Prepared by: CARRIE REPORTING, LLC
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(COPY)

[Page 3]

EXHIBIT:	DESCRIPTION	PAGE
12	E-mail;	140
3	Bates No. KAHRAMAN-AZ 008053	
	CONFIDENTIAL	
13	Series of e-mails;	153
5	Bates Nos. KAHRAMAN-AZ 005648 - 5649	
	CONFIDENTIAL	
14	Series of e-mails;	157
7	Bates Nos. KAHRAMAN-AZ 005684 - 5685	
	CONFIDENTIAL	
15	Declaration of Eli H. Newberger, M.D.;	172
9	Bates Nos. KAHRAMAN 000091 - 177	
16	Meal spreadsheet	182

* * *

MARKED PORTIONS OF THE RECORD
PAGE LINE

131 23
 196 10

[Page 2]

I N D E X		
WITNESS		PAGE
MADISON BELL		
BY MR. CONNELLY		6
* * *		
E X H I B I T S		
EXHIBIT:	DESCRIPTION	PAGE
4	Weight chart	62
4-A	Medical record	232
5	E-mail; Bates No. KAHRAMAN-AZ 008469 CONFIDENTIAL	66
6	E-mail; Bates No. KAHRAMAN-AZ 006006 CONFIDENTIAL	72
7	Series of e-mails; Bates Nos. KAHRAMAN-AZ 006247 - 6248 CONFIDENTIAL	77
8	Series of e-mails; Bates Nos. KAHRAMAN-AZ 008053 - 8054 CONFIDENTIAL	80
9	Series of e-mails; Bates Nos. KAHRAMAN-AZ 005216 - 5217 CONFIDENTIAL	90
10	Series of e-mails; Bates Nos. KAHRAMAN-AZ 005380 - 5384 CONFIDENTIAL	92
11	Draft report of Dr. Michael Kelly; Bates Nos. KAHRAMAN-AZ 014926 - 14951 CONFIDENTIAL	118

(Continued.)

[Page 4]

VIDEORECORDED DEPOSITION OF MADISON BELL
 commenced at 10:20 a.m. on August 6, 2024 at the law
 offices of GILLESPIE, SHIELDS, & TAYLOR, 7319 NORTH 16TH
 STREET, PHOENIX, ARIZONA, before MICHAELA HERMAN DAVIS, a
 Certified Reporter, in and for the County of Maricopa,
 State of Arizona.

* * *

A P P E A R A N C E S

FOR THE PLAINTIFF:

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ALSO PRESENT:

BRIAN DOWNEY, VIDEOGRAPHER
 JESSICA KAHRAMAN

[Page 73]

1 BY MR. CONNELLY:

2 Q. I'm just going to mark it as Exhibit 6 so it's
3 in the record.

4 Do you recognize the e-mail and recall
5 having received it?

6 A. I mean, I don't remember receiving it, but it
7 would be in align with what I would get, so ...

8 Q. But at this time you already knew it was a
9 medical neglect case because you had talked to Sarah
10 Kramer about the case; right?

11 A. Correct.

12 Q. Did you have a conversation with Mecca Temple
13 about the case at the time of January 2019 when it was
14 assigned to you?

15 A. I don't recall an exact conversation, but we
16 always discuss every new case that we get. But I don't
17 recall the exact conversation.

18 Q. And you said earlier that there's a special
19 protocol that's followed in medical neglect cases; right?

20 A. There's a special protocol for the Munchausen
21 cases you're asking me about, but that's -- I don't know
22 if there's a specific protocol for medical neglect. I
23 don't think there's a specific protocol made exactly for
24 it.

25 Q. What's the protocol for Munchausen cases?

[Page 74]

1 A. So for Munchausen cases, they automatically do
2 the therapeutic visitation through Southwest Human
3 Development. They handle all of that, and then we do --
4 contract with a provider to do a medical records review.

5 Q. Okay. And is that -- are those the only two
6 things procedurally that are specific to Munchausen?

7 A. Correct. Yes.

8 Q. Okay. And so for Munchausen cases, therapeutic
9 visitation is always with Southwest Human Development?

10 A. Correct.

11 Q. And there's always a psychiatric consultation;
12 right?

13 A. The medical records review?

14 Q. Yes.

15 A. Yes. And I want to clarify that Southwest Human
16 Development is the one that did it at the time. I believe
17 there's another agency now that does them as well.

18 Q. In addition to Southwest Human Development or in
19 place of Southwest?

20 A. I'm not sure, because I know that change
21 happened after I left, but I know that there's another
22 agency that does it. So I just -- that's how it was then.
23 I can't speak to what agency is really doing them now.

24 Q. And it's the case, isn't it, that Southwest

25 Human Development only worked on cases giving therapeutic

[Page 75]

1 intervention in cases that were Munchausen cases; right?

2 A. No. They did a variety of therapeutic, but they
3 were the only ones who did the Munchausen cases.

4 Q. So if it was a Munchausen or a factitious
5 disorder case, Southwest Human Development is going to do
6 the therapeutic visitations?

7 A. Correct.

8 Q. And Dr. Kelly is going to do the records review;
9 right?

10 A. It would be Dr. Kelly or Dr. Bursch.

11 Q. And those were the only two providers at the
12 time that had contracts with the department to do records
13 review and Munchausen cases?

14 MR. CROWN: Objection to form and
15 foundation.

16 THE WITNESS: To my knowledge, yes.

17 BY MR. CONNELLY:

18 Q. And how do you spell Dr. Bursch?

19 A. B-U-R-S-C-H, I think.

20 Q. And is it a he or she?

21 A. She.

22 Q. And where is she located?

23 A. All I know is she's out of California. I
24 haven't worked with her, but I know she's out of
25 California.

[Page 76]

1 Q. So both Dr. Kelly and Dr. Bursch are in
2 California?

3 A. Correct.

4 Q. Do you know why the department doesn't have any
5 in state providers for that service?

6 MR. CROWN: Objection to form and
7 foundation.

8 THE WITNESS: I do not know. Oh, sorry.

9 BY MR. CONNELLY:

10 Q. As the ongoing case manager, do you have
11 discretion on which of those providers you use?

12 A. I don't. I know with the first case I worked,
13 they had attempted to get Dr. Bursch to do that, but she
14 was at capacity and she actually recommended Dr. Kelly.
15 So I don't know -- all I know is that with the first one,
16 it went with Dr. Kelly, and the second one, service
17 referral said to work with Dr. Kelly. So I don't know how
18 they decide if it's Dr. Kelly or Dr. Bursch now, but
19 that's just the directive we got.

20 Q. And do Dr. Kelly and Dr. Bursch do medical
21 reviews for other types of cases besides Munchausen?

22 A. I don't know specifically for Dr. Bursch because
23 I never worked with her. But for Dr. Kelly, he did do the
24 records review here for the medical neglect.

25 Q. Didn't he do the medical record review here

[Page 221]

1 Kenan receiving his Levothyroxine until she consulted with
2 Dr. Miga somehow amounted to a pattern of withholding
3 necessary medication. Rather, Dr. Kelly appears to
4 propound the DCS preconceptions and bias against mother.
5 This is a profound lapse of professional objectivity."

6 Do you see that, where he says that?

7 A. Yes.

8 Q. And do you take issue with Dr. Newberger's
9 comment that mother's request to pause the medication
10 until she spoke with Dr. Miga about it is not evidence of
11 a pattern of withholding necessary medication?

12 MR. CROWN: Objection to form and
13 foundation.

14 THE WITNESS: I can't really say if there
15 isn't a pattern because there's only one referenced
16 incident here. And from my recollection of the Banner
17 records, that there was more than one incident, so I would
18 have to review back to the records to see if there is a
19 pattern.

20 BY MR. CONNELLY:

21 Q. So it's your belief that there were a number of
22 instances in which mother refused medications?

23 A. Correct.

24 MR. CROWN: Objection to form and
25 foundation.

[Page 222]

1 BY MR. CONNELLY:

2 Q. But you don't remember what the medications were
3 or when those refusals occurred; right?

4 A. I know it was during the hospitalization in
5 December 2018, but I don't remember the name of the
6 medication.

7 Q. And so you're saying if we scour through the
8 Banner records, we'll see a pattern of mother refusing
9 medications; right?

10 A. That's what I recall from the Banner records.

11 Q. Do you think that Dr. Newberger missed those
12 multiple refusals in the Banner records when he was
13 preparing his report?

14 MR. CROWN: Objection to form and
15 foundation.

16 THE WITNESS: I don't know.

17 BY MR. CONNELLY:

18 Q. Do you think that if Dr. Newberger identified a
19 pattern in the Banner records, that he would have made his
20 criticism about Dr. Kelly?

21 MR. CROWN: Objection to form and
22 foundation.

23 THE WITNESS: I don't know.

24 BY MR. CONNELLY:

25 Q. The other thing that Dr. Newberger notes in this

[Page 223]

1 paragraph is that mother consented to the medication once
2 Dr. Miga answered her question.

3 Do you remember seeing that in the Banner
4 records?

5 MR. CROWN: Objection to form and
6 foundation.

7 THE WITNESS: Not off the top of my head.

8 BY MR. CONNELLY:

9 Q. We'll pick up with different parts of
10 Dr. Newberger's report later, so if you want to have some
11 weekend reading.

12 Now, it's fair to say, isn't it, that during
13 the time that you were the case manager assigned to this
14 case, that you drew conclusions about mother based on your
15 interactions with her?

16 A. Correct.

17 Q. And do you know what confirmation bias is? Did
18 you ever have any training on confirmation bias?

19 MR. CROWN: Objection to form and
20 foundation.

21 THE WITNESS: I know I had training on it,
22 but it's been a while, and I couldn't tell you a
23 definition.

24 BY MR. CONNELLY:

25 Q. Okay. So it would be fair to say that since you

[Page 224]

1 really don't know what confirmation bias is, you don't
2 know how to recognize it in yourself and prevent yourself
3 from falling prey to confirmation bias; is that fair?

4 A. I mean I could -- I could tell you that really,
5 my understanding is just really, you know, kind of
6 following along with others and just going along with
7 that. But I can't give you like a formal, like,
8 definition. Like I'm not -- I couldn't give that to you.

9 Q. Generally it means having a preconceived notion
10 and then searching out or recognizing only information
11 that confirms that preconceived notion.

12 A. Right.

13 Q. And you had a preconceived notion about mother
14 in this case, that she was a Munchausen parent, didn't
15 you?

16 MR. CROWN: Objection to form and
17 foundation.

18 THE WITNESS: No.

19 BY MR. CONNELLY:

20 Q. You had a preconceived notion that she
21 intentionally restricted the diets of her children and
22 then failed to seek medical care knowing that medical care
23 was necessary; right?

24 MR. CROWN: Objection to form and
25 foundation.

[Page 249]

1 BY MR. CONNELLY:

2 Q. C-reactive protein and white blood cells normal,
3 and the notation is that that's an indication of no muscle
4 wasting.

5 Do you see that?

6 A. Yes.

7 Q. So, okay. This takes us through November 2nd of
8 2018. So just a little bit more over a month from when
9 Kenan then ends up in Banner in 2018; right?

10 A. Correct.

11 Q. So we've seen that during the two years that the
12 boys were on the GAPS diet -- and we haven't seen Dylan
13 yet, so just for Kenan -- we've seen that during the
14 two years he was on the GAPS diet, when he was seen by
15 doctors at well checks and for other reasons during those
16 two years, he's consistently overall gaining weight,
17 right, including up to 83.8 pounds in November, but he's
18 consistent -- I think they probably meant to say
19 38 pounds.

20 A. Uh-huh.

21 Q. Or that's what I think, but it's not what the
22 record says.

23 So -- but do you agree with me that during
24 the two years preceding the admission to Banner in
25 December of 2018, while he's on the GAPS diet, that Kenan

[Page 251]

1 A. Correct.

2 Q. And we don't have -- if you look through your
3 DCS notes, we don't have any of these doctors making a
4 report to the hotline call; right?

5 A. I mean --

6 Q. You're unwilling to go there right now because
7 you don't have --

8 A. Yeah, I don't -- I don't recall, so I can't
9 guarantee it.

10 MR. CONNELLY: Okay. All right. That's all
11 I have for today. We'll pick it up on the 12th or the
12 16th.

13 MR. CROWN: All right. Let the record
14 reflect that this deposition is commenced and continued by
15 agreement of the parties.

16 THE VIDEOGRAPHER: This concludes today's
17 deposition of Madison Bell. We're off the record at
18 6:10 p.m.

19 (WHEREUPON, this deposition adjourned at
20 6:10 p.m.)

21
22
23 _____
24 MADISON BELL
25

[Page 250]

1 is gaining weight?

2 MR. CROWN: Objection to form and
3 foundation.

4 THE WITNESS: Yes, he is.

5 BY MR. CONNELLY:

6 Q. And all of the examinations, the objective
7 observations of the medical professional who's examining
8 him at these visits described him as being well nourished
9 and hydrated or -- well nourished.

10 All of the heart examinations are normal;
11 right?

12 A. Correct.

13 Q. We didn't see anything that would indicate --
14 let me ask it this way.

15 Was there anything that we saw that would
16 indicate to a parent that there was some imminent problem?

17 MR. CROWN: Objection to form and
18 foundation.

19 THE WITNESS: Not by what's in the notes. I
20 don't know if anything was said differently during the
21 actual appointments, but not from the notes.

22 BY MR. CONNELLY:

23 Q. Okay. And we don't see any doctor in here
24 saying take the kid to the hospital because he's
25 malnourished; right?

1 STATE OF ARIZONA)
2) ss.
3 COUNTY OF MARICOPA)
4

5 BE IT KNOWN that the foregoing proceedings were
6 taken by me, MICHAELA HERMAN DAVIS, a Certified Reporter,
7 in and for the County of Maricopa, State of Arizona; that
8 the witness before testifying was duly sworn to testify to
9 the whole truth; that the questions propounded to the
10 witness and the answers of the witness thereto were taken
11 down by me in shorthand and thereafter reduced to
12 typewriting under my direction; that the foregoing pages
13 are a true and correct transcript of all proceedings had,
14 all done to the best of my skill and ability.

15 I CERTIFY that I am in no way related to any of
16 the parties hereto, nor am I in any way interested in the
17 outcome hereof.

18 [X] Review and signature was requested.
19 [] Review and signature was not requested.
20 [] Review and signature was waived.

21 I FURTHER CERTIFY that I have complied with the
22 ethical obligations set forth in ACJA 7-206(F)(3) and
23 ACJA 7-206(J)(1)(g)(1) and (2). Dated at Phoenix, Arizona,
24 this 27th day of August, 2024.

25 _____
Michaela H. Davis, RPR, CRR, CRC
Arizona CR No. 50574
New Mexico CCR No. 614

26 I CERTIFY that Carrie Reporting, LLC, has
27 complied with the ethical obligations set forth in
28 ACJA 7-206. Dated at Phoenix, Arizona, this _____ day of
29 _____, 2024.

30 _____
Carrie Reporting, LLC
Arizona RRF No. R1064